

(Continued from First Page.)

Major Myers also sent frequent dispatches to Richmond, asking for supplies, that he had nearly run out and needed them badly. In the cross examination, witness stated that some of the telegrams of Maj. Gee were sent before and some after the prisoners were sent there.

John A. Fuqua, sworn to, was sent to Salisbury in May, 1864, was second in command of the post, was inspector. There was no change made in the prison regulations when Maj. Gee came there and took command of the prison; the orders in regard to regulations were issued from Richmond, by these regulations all correspondence between the prisoners and persons outside, was forbidden; this was the case both before and after Maj. Gee came there.

Before the prisoners were sent there from Richmond, the guard consisted of Freeman's battalion, of three companies, but it was soon increased by the arrival of other regiments—these were mostly soldier reserves and junior reserves—they were mostly indifferent soldiers, ignorant of discipline and drill, and the officers were of the same class. Witness occupied a room at the headquarters—had known many persons to be permitted to visit persons in the prison and to take in provisions, through the office of the day—this was frequently done—there was no disciplinary made between civil prisoners and prisoners of war. There was a man detailed to attend and see that the rations for the prison were taken safely from the commissary store to the cook of the prison.

The examination was then suspended, and the Commission adjourned to 10 o'clock to-morrow.

## LATEST NEWS.

Trouble in Norfolk between the Negroes and White People.—Several white people killed.

FIRST DISPATCH.  
NORFOLK, April 16th, 1866. A. M.—The negro population are out in large numbers celebrating the President's veto. The number of men in the column is estimated at two thousand, with bands in attendance, and headed by negro soldiers armed with guns and bayonets. A large number of carriages filled with sympathizers attend the display, and the sidewalks are thronged with women, the children of the Freedmen's schools, &c. The column is interspersed with various designs and banners, and fifteen societies are represented.

SECOND DISPATCH.  
NORFOLK, April 16th, One o'clock, P. M. The negro procession has been converted into a raging mob. A regular battle is going on, with such fierceness that minute particulars are not obtainable. Thus far one white man and one white woman, and two negroes have been killed. Major S. H. P. Baker, the editor of the *True Southerner*, and other men of influence with the negroes, and it is hoped the feeling may be controlled.—No negroes have been injured.

THIRD DISPATCH.  
NORFOLK, April 16th, 3:40 P. M.—The following particulars of the riot are authentic: Robert Whitehurst, a white citizen of this place, is killed, and his step-mother, Mrs. Charlotte Whitehurst, and Whitehurst's brother, are mortally wounded. Mr. Mosely, a member of the City Police, has been badly, if not dangerously, beaten, and his son dangerously, if not fatally injured.

A military force has arrived on the ground, and every effort is being made to restore quiet. Speeches are being made by C. L. R. Baker, the editor of the *True Southerner*, and other men of influence with the negroes, and it is hoped the feeling may be controlled.—No negroes have been injured.

FOURTH DISPATCH.  
NORFOLK, April 16, 9 P. M.—Mrs. Whitehurst and Robert Whitehurst have died since my last dispatch, another brother not expected to live until morning. In addition to names previously reported, a man named Young has been mortally wounded—cannot possibly live, it is thought.

Four arrests have been made. The inquest on the body of Robert Whitehurst has been postponed until to-morrow morning, owing to the death of his mother.

Wm. Turner, white, was cut in the head during the affray by a sabre, and has a bad wound.

The city is, at the hour of writing, at last quiet. The military and civil authorities have co-operated and work vigorously to this end.

Trouble is anticipated to-night.

One Day Letter from Europe.

New York, April 19.—The steamer City of New York, with dates to the 5th inst., has arrived.

The Austria-Prussian question is unchanged. There is nothing to confirm the pacific rumors.

The French troops are all to be withdrawn from Mexico in three instalments, viz: On the 1st of November, 1866, and on the 2nd and 3rd of January, and 1st of November, 1867.

It is officially denied. Copenhagen that the American government is in treaty for a war port at St. Thomas.

PARIS, April 4.—Regiments have been ordered into camp at Chalons two months earlier than usual, and it is reported that France intends forming an army of observation with the view of the protection of the Rhine frontier.

COMMERCIAL.

LIVERPOOL, April 5.—Cotton advanced 1/4 yesterday, but with improvement was partially lost. Sales of the two days 15,000 bales.

[Special Despatch to the Chicago Times.]

The Tennessee Legislature.—How the House was Organized.—Passage of the Franchise Law.

NASHVILLE, TENN., April 12.—In the House, Mr. Thornburgh presented the report of the committee on the franchise law, but the Speaker decided that he had no power to receive it without a quorum. Calls having been made for the report, Mr. Thornburgh proceeded to read from his seat, despite the ruling of the chair.

Mr. Smith moved the adoption of the report, whereupon a call of the House was ordered, and the Speaker decided that no quorum was present, and that no such motion could be entertained.

Mr. Smith then moved that members elect, whose cases had been reported on, be sworn in.

The Speaker ruled that he was not at liberty to have them qualified until a quorum should be present. It was then moved that the clerk be directed to swear new members in, when the Speaker yielded his point, and the members were duly qualified.

The re-elected bolters have sent a petition, asking admission to their seats.

Mr. Brien sent in a protest, declaring his intention of contesting the seat of Mr. Lewis, member elect from Davidson county, on the ground of gross violation of the franchise law.

The new franchise bill was then taken up and passed on the third reading, by 41 yeas against 15 nays. The bill will probably pass in the Senate without amendment.

Later.

NASHVILLE, April 13.—The Senate met this morning, but no quorum being present this morning.

The House received Governor Brownlow's message.

Expul. of James R. Hood.

NASHVILLE, April 14.—The House of Representatives have expelled James R. Hood, one of the absconding members, charged with wilfully absconding himself to prevent a

quorum. When he was brought before the bar of the House he persistently refused to answer to his name.

James R. Hood is a native of this County, and was at one time an apprentice in the Standard office.

Martial Law.

The Savannah Republican has it from reliable authority that a telegram had been received at military headquarters in that City, from President Johnson, that martial law still exists throughout Georgia. The Augusta Chronicle says it has reason to believe that the habeas corpus has not been restored.

Congressional.

WASHINGTON, April 16.—In the Senate, the proceedings to-day possessed but little interest. Mr. Stewart introduced a joint resolution for the discontinuance of the branch mint at New Orleans, and the appropriation of its machinery to aid in the construction of a branch mint in Nevada. Referred to the Finance Committee.

The House was engaged in the consideration of the bill fixing the peace establishment of the army.

There were spirited personal explanations in both branches.

Testimony of A. H. Stephens before the Reconstruction Committee.

WASHINGTON, April 16.—Among the testimony reported to-day from the Committee on Reconstruction was that of A. H. Stephens. He states that he had conversed freely and fully with prominent leading men in Georgia, and met with a great many prominent and influential men at Milledgeville, not connected with the Legislature. He gave his decided opinion, from conversation with them, and from correspondence, that an overwhelming majority of the people of Georgia are exceedingly anxious for the restoration of the government, and for the State to take her former position in the Union; to have her Senators and Representatives admitted into Congress, and to enjoy all her rights, and discharge all her obligations as a State, under the Constitution of the United States as it stands amended. His opinion of the sentiment of the people of Georgia is that the exercise of the right of secession was resorted to by them from a desire to render their liberties and institutions more secure, and a belief on their part that this was absolutely necessary for that object. He further believes it is their opinion that the people of Georgia are exceedingly loyal for their liberties, and the restoration of the Constitution of the United States, and of government under that Constitution. He thinks the people are sufficiently satisfied with the experiment never to resort to that measure of redress again, by force. Whatever may be their own abstract ideas upon that subject, they are in favor of the conclusion that it is better to appeal to the forms of reason and justice, to the halls of legislation and the courts for the preservation of the principles of constitutional liberty, than to the arena of arms.—The idea of secession is totally abandoned.

The Trial of Jeff. Davis.

BOSTON, April 14.—A special dispatch from Washington to the *Advertiser*, says: "Preparations are being made to hold the regular term of the United States Circuit Court in Richmond next month, and the trial of Jefferson Davis, for high treason, may be expected in two months."

WASHINGTON, April 15.—The House committee on the judiciary are engaged upon the subject of the resolution recently referred to them involving the question as to whether any additional legislation is necessary to procure the trial of Jefferson Davis. No judicial proceedings will be instituted pending the consideration of this matter by Congress.

The Cholera.—One Hundred and Seventy Deaths on Board the Steamer England at Halifax.

NEW YORK, April 14.—The acting collector at this port has received the following despatch: "HALIFAX, April 14.—The city medical officer reports, up to last evening, one hundred and seventy deaths on board the steamer *England*, including forty who died on the passage from Liverpool. He reports the disease as probably a severe form of ship fever, with many of the prominent symptoms of cholera. It amounts to a regular plague. The surviving passengers have been removed, some to Her Britannic Majesty's receiving ship *Pyramus*, and others to tents on shore at the quarantine grounds.

"The disease is apparently increasing."

"M. H. JACKSON, U. S. Consul."

SECOND DISPATCH.

HALIFAX, April 14.—There is a difference among medical men as to the disease on board the steamer *England*. The number of deaths is greatly increased to-day. The disease is decidedly checked, and is confined to the steerage passengers.

From Louisiana.—Southern Methodist Conference.

NEW ORLEANS, April 14.—Gen. H. D. Hayes, who commanded a brigade under Stonewall Jackson, has been nominated for Sheriff.

The Methodist Conference have adopted a report extending the jurisdiction of the Southern church in every direction asked for. The committee on episcopal affairs have reported, advising the college of bishops to appoint one of their number to reside in California, and also recommending the election of six additional bishops. The question of the bishop's veto is again being discussed.

The crops in this State are advancing rapidly. The recent frost in Baton Rouge parish killed the cotton.

It was understood in the city last evening that Mr. Courtney, the Deputy U. S. District Attorney of Southern New York, had been appointed to succeed the late Hon. D. S. Dickinson.—*Stat. Int.*

A despatch to one of the Northern papers states that Senator Morrill will to-day move his bill abolishing the city government in this District, and placing in the hands of three commissioners, to be selected by Congress instead of by the President.—*Ibid.*

Judge Underwood's Decision.

UNITED STATES DISTRICT COURT, ALEXANDRIA, VA., April 14, 1866.

Editors of the National Intelligencer:

GENTLEMEN:—In your paper of this morning I observe a very incorrect and perverted report of one of my recent opinions in a habeas corpus case.

In that opinion I did not express a doubt of the legality of the late peace proclamation, nor was its legality called in question by any one connected with the case; nor did I express the opinion that the writ of habeas corpus could not be executed in one State while the rebellion was not suppressed in another, but the very contrary opinion.

My opinion simply was, that the late peace proclamation did not pretend to revoke the previous proclamation of President Lincoln suspending in certain cases the writ in the States lately in insurrection, and I stated that the peace proclamation did not include Texas, and that it had not and was not intended to have so broad and general an application as the petitioner supposed, and therefore refused to grant his prayer.

JOHN C. UNDERWOOD.

The Markets.

WILMINGTON, April 16, 1866.

Turpentine.—Sales of 73 bbls. @ \$5 for virgin, \$3 for yellow dip, and \$1 50 for hard, per 280 lbs.

No transactions reported in Spirits Turpentine.

Another Speech by the President.

WASHINGTON, April 18.—The President to-night addressed a dense assemblage of soldiers and sailors and others, who complimented him with a rousing cheer. He said that he cared not for his slanderers, whom he characterized as the *jackals of sin*. The rebellion had been put down, and did we, he asked, shed so much blood, and make so many sacrifices for the purpose of destroying the States? No—it was to preserve the States under the Constitution and in the union of the States. He repeated: "We toiled not to break down the Union but to preserve it. In time of war, we have the right to strike and cripple, and reduce to subjection, but in time of peace, the converse course is the right one, and we must rebuild the cities—restore the villages—renew agriculture and encourage the arts and industries of the States. The soldier will come to the private to the Commanding General—knows better what should be done than the closet politician and the humanitarian."

"Let us," he said, "make every effort to restore the relations which heretofore existed between the Federal government and all the States. There is now no enemy against the government."

Denying the right of a State to secede, he now, as heretofore, took his stand both against secession and consolidation, and intended to maintain his policy.

The President was frequently interrupted by applause, which showed that the soldiers and sailors present, heartily endorsed his remarks.

Congressional Proceedings.

WASHINGTON, April 18.—The Senate to-day resumed the consideration of the bill for the relief of certain naval contractors.

The bill to provide military officers from the consequences of any act performed in their official capacity, was also discussed.

The House resumed the consideration of the bill to increase the regular army.

Bonds Restored to the New Orleans Banks.

WASHINGTON, April 18.—The Attorney General having recommended that the bonds captured by General Sheridan, at Shreveport, which had been deposited by the New Orleans Banks with the State Auditor of Louisiana, be returned to the present State Auditor, the Secretary of the Treasury has telegraphed to Governor Wells that he will cause the bonds which may be identified as belonging to the Banks, to be delivered to the State Auditor, or to any duly authorized agent, at Washington, or will send the same by express to the auditor, upon receiving advice from the Governor, at the risk of the State. There are said to be about two millions of these bonds.

From Washington.—Internal Revenue.

WASHINGTON, April 17.—It is expected that the committee of ways and means will this week report an extraordinary internal revenue bill, by which the taxes on many articles will be considerably reduced with a view to encourage manufactures, while other articles will be entirely relieved. The receipts from this source of revenue have largely exceeded the estimates.

Mass Meeting of Soldiers and Sailors.—Exciting Speeches.

A mass meeting of soldiers and sailors took place to-night, the Assembly Rooms being densely crowded. The objects were to promote such measures as will insure the equalization of the best government on earth. If Jefferson Davis is to be remembered and punished as one of the leaders of the rebellion, he would not forget those who were educated at West Point, and if there as a second son apple tree, he did not see why Robert E. Lee should not meet the same fate. These remarks were greeted with deafening applause. Colonel McKee, of Kentucky, a member of the House, said there could be no compromise. The test oath could never be repealed, and the government should be kept in the hands of loyal men. He did not mean by loyalty those who were not merely obedient to the constitution and the laws, but those who fought as rebellion. Col. Stillwell, of Indiana, and other members of the House of Representatives, addressed the meeting, the last gentleman saying that he had no doubt that the present Congress would equalize the duties.

The following are some of the resolutions adopted by this meeting:

Resolved, That we fully concur in the oft-repeated declaration of the President of the United States, that the rebellion is a crime, and ought to be punished; and that we are ready to aid most patiently for a practical application of the principle to the leaders of the rebellion.

Resolved, That this meeting, composed as it is of soldiers and sailors who have struggled against the herculean effort to subvert our institutions and destroy the precious and civil liberty, desire to unite in bearing testimony against the horrible atrocities of the leaders of the rebellion, and that we will, by our votes and our arms, stand by the principles of Christianity and of common humanity; and that he should be arraigned, tried, and if found guilty, suffer the extreme penalty for his crime.

Resolved, That we hereby express our unqualified disapproval of any attempt to restore rebels to power; and earnestly protest against the admission to a seat in Congress of any Representative or Senator from States lately in rebellion who is unable to take that oath known as the "test oath," and that it should be an insult to every Union soldier in the Republic to allow men whose hands are red with the blood of their comrades to gildate for them, and for the wives and children of the gallant dead who fell on the battlefield or were atrociously starved or murdered in Southern prisons.

Resolved, That, in the opinion of this meeting, no State lately in rebellion should be allowed to come back into practical working relations with loyal States until they have given unmistakable evidence of a desire to cherish the Union and protect the real principles of civil liberty, which they lately attempted to destroy.

Resolved, That it is the desire of this meeting, that if any of the benefits asked for could be conferred by Congress, no distinction shall be made between soldiers or sailors on account of color.

The Norfolk Riot.

An inquest has been held over the bodies of Robert and Charlotte Whitehurst, recently killed in Norfolk. A part of the evidence is as follows:

Marshall Gapps—I was passing through Nicholson street with three colored women as my carriage; they requested me to stop to see the procession; I stopped the carriage, and was leaning against the pole; a colored man was lying in the road, between the road and ditch; I took him to be drunk; two

colored men came along and told him to get up, that the procession was coming along; he refused to get up, and told them to go away from there, damn black sons of—, or he would shoot them; or if they did not get away he would kill them. I turned towards the stand to see who was speaking to the colored population; a pistol went off; I looked again and saw a black man jump up and cry, "Oh Lord, oh Lord!" he was the one who tried to get the drunken man up; my belief is that the negro was drunk shot him, for he told him if he did not get away he would shoot him; when he fell, the negroes from the stand rushed towards Nicholson street crying, "Rally rally, boys I and kill a white son of a— wherever you find him!" I turned my carriage and got out of the way, and drove towards Church street; then the crowd of negroes had headed up a white man; who he was I do not know; I only know they were in pursuit of some one; I drove towards Mr. Collins, and stopped and looked back, and saw two negroes dragging a man towards them; they were headed off by a party at the corner of Nicholson street, who turned them toward the old field; I know both the men; the man that was killed was the man they had between the two horses; I heard firing at a house on Nicholson street, as I arrived on Church street with my carriage.

Susan Foster, colored—I was at Mrs. Whitehurst's door yesterday, [Monday] on Nicholson street at the time of the fight; Joe Mackey said, "Rally rally, boys I bring him out and shoot him!" John—fired and then I went off; I saw John shoot at him; I do not know whether John killed him [Robert Whitehurst] or not; I only saw one shot fired, and went off to get out of danger; there was a number around with guns and pistols; a colored man tried to protect the house, and Mackey seized him by the collar, and asked him if he "would take up for a dam white scoundrel son of a—?" the man I saw John shoot was in his shirt sleeves; I saw no white person in the house except those who lived there.

The Old Dominion, of yesterday, says:—The jury returned a verdict that Robert B. Whitehurst came to his death from pistol shots fired by a person or persons unknown to the jury. The same verdict was rendered in the case of Mrs. Charlotte Whitehurst, with the exception that the word "scoundrel" singular, and not plural, was used in the indictment in the indictment and murder are now in jail, and will be examined before the Mayor at an early day. The coroner's jury felt confident that both Mrs. Whitehurst and her son were killed by colored persons who had participated in the celebration of that day, and discussed the propriety of inserting that in the verdict. It is very evident from the testimony that the colored persons who were shot by persons engaged in the procession, deliberately and wilfully, but there is no testimony to show how Mrs. Whitehurst was shot, as it occurred inside the house.

Martial law has been proclaimed in the Norfolk military district.

The Peace Proclamation.—The Official Construction.—Explanation by the President.

On the 7th inst., General Tilton, at Augusta, Georgia, transmitted by telegraph the following interrogatory, addressed to General O. O. Howard:

Does the President's recent proclamation remove martial law in this State? If so, General Brannan does not feel authorized to arrest persons who committed outrages on freed people or Union refugees. Please answer by telegraph.

The following reply was sent from the Adjutant General's office:

The President's proclamation does not remove martial law or operate in any way upon the Freedmen's Bureau in the exercise of its legitimate jurisdiction. It is not expedient, however, to resort to a military tribunal in any case where justice can be satisfied through the medium of civil authority.

E. D. TOWNSEND, A. G.

The Washington correspondent of the *Chicago Tribune* (Radical) gives the following report of an interview of General Howard with the President, on the 4th inst.:

The General opened the conversation by explaining that he had sought the interview for the purpose of learning, without delay, the effect which the proclamation was designed to produce upon the methods and machinery of the Bureau. More specifically, he wished to know if martial law was abolished, and with it the system of military courts established for the protection of the otherwise unprotected freed people.

"The President replied, without hesitation, that the proclamation was a declaration of policy, and nothing more; that it did not abolish military courts, did not remove martial law, and was not designed to modify the operations of the Bureau in any respect whatever. On the contrary, it was the President's expectation and express desire, that the administration of the Bureau should be continued as heretofore, and that all official functions should be exercised, as the interests of impartial justice may require. The President further observed that this proclamation would be Executive interpreted and applied precisely as was the proclamation announcing the restoration of Tennessee. As the States or part of States give unquestionable evidence of entire readiness to do impartial justice, they will be gradually and locally relieved from military government; not otherwise, nor sooner."

New York, April 18.—Cotton heavy.—Sales sixteen hundred bales at 37 cents.

Flour active and excited. State \$7 15/9. Southern advanced 20/30 cents. Wheat active, and 8/12 cents higher. Corn advanced 1 cent. Sales at 84/87. Pork heavy. Lard firm. Whiskey and naval stores dull. Freight dropping.

Gold 27 1/2 @ 27 3/4.

Baltimore Markets.

BALTIMORE, April 18.—Flour scarce and closed with an advancing tendency. High grades fifty cents higher. Wheat advanced. Corn firm—yellow 84 cents, white 85/86 cents. Rye firm. Whiskey dull. Provisions dull.

MASONIC MEETING IN WASHINGTON.—The Supreme Council, Thirty-third Degree, of the Ancient and Accepted Rite, for the Southern Jurisdiction of the United States, met at Washington City on Monday last, 16th inst. The session was an interesting one.

We notice among the members of the Council present in that city, Albert Pike, of Arkansas; William S. Rockwell, of Georgia; A. T. C. Pierson, of Minnesota, and Giles M. Hillyer, of Mississippi.

EFFECTS OF WINE ON DISEASES.—Dr. Gale observes, in his treatise on disease, that the great use of wine in France is supposed to have abated the prevalence of the plague. In the French colonies, where pure wine is more used than in the English, as well as in Turkey, where Samburg port wine is the principle beverage, not only the gout but the plague are scarcely known. Dr. La Pote relates as an extraordinary instance of the effects of the Samburg port wine on gout, the case of Dr. Daveran, who was attacked with the gout at the age of 35, and had it severely until he was upwards of 50, with chills and stone in the joints of his hands and feet, but four years preceding the time when his case had been given to Dr. La Pote by before the public, he had, by advice, used Samburg port wine and had no return of the gout after.—*London Post.*

A reckless dispenser of pills deserves the pillory.

THE FREEDMEN AND THE CIVIL COURTS.

BUREAU OF REFUGEES, FREEDMEN AND ABANDONED LANDS.

RALEIGH, N. C., April 4, 1866.

D. G. FOWLE, Esq.,

DEAR SIR:—I have learned, with pain, that, by decision of the County Court of this County, freedmen have been sentenced to be publicly whipped.

As the cases of white men charged with larceny and other crimes are for the most part reserved for trial by Military Commission, and as no U. S. Court can inflict the punishment of whipping it is manifest that unjust discrimination against the negro race will be the result. I therefore request that such penalties be suspended, until orders are issued by the Department Commander, or by Gen. Howard, to both of whom the matter has been referred.

Very Respectfully,  
E. WHITTLESEY,  
Ass't Comm'r.

RALEIGH, April 4th, 1866.

COL. E. WHITTLESEY, Ass't Comm'r.

SIR:—Your communication of this date has just been received. The Court of which I am the presiding officer is the Superior Court of Law, and not the County Court. There has been "no unjust discrimination made against the negro race" in its adjudications. During the past week, in Johnston county, one white man (and no negro) was whipped, after being convicted by a jury of larceny. During this week, two negroes have been whipped for the same offense.

I have already consulted with the Commanding General of this Department, and have been informed by him, that whilst he does not approve of the punishment by whipping, which is inflicted by our laws, in larceny cases, yet that there will be no interference upon the part of the authorities of the United States Government, so long as the law is impartially administered by our courts to whites and blacks alike.

If white men, arrested by the Freedmen's Bureau and held for trial before the Courts of Military Commission for larceny, are not as severely punished as negroes before the Courts of Justice in North-Carolina, the injustice can be removed, by yielding to our courts the exclusive jurisdiction in all such cases.

The Attorney General informs me that there are no more cases against freedmen for larceny upon our docket, to be tried this week, but if there were, I could not, at your request, stay the execution of the laws of North-Carolina until I had been officially informed that the Commanding General of the Department of North-Carolina had recoiled from the position which he has heretofore maintained.

Very Respectfully,  
DANIEL G. FOWLE,  
Judge Sup. Ct. of Law.

RALEIGH, April 4th, 1866.

MAJ. GEN. RUGER, Com'g Dep't N. C.

GENERAL:—I inclose for your inspection a copy of a communication, this day received from Col. E. Whittlesey, Assistant Commissioner, together with my reply.

You are aware of the disposition which has been shown by our Courts to avoid any conflict with the military authorities, and I have already explained to you the necessity which exists for the punishment of parties guilty of larceny, and the great evil which would result to the country at large, from our Courts of Justice being rendered inefficient and powerless by the interference of the military authorities.

I am, General,

Very respectfully, yours, &c.,  
DANIEL G. FOWLE,  
Judge Sup. Ct. of Law.

Gen. Ruger received for this letter, but made no reply in writing.

BUREAU OF REFUGEES, FREEDMEN AND ABANDONED LANDS.

RALEIGH, N. C., April 5th, 1866.

D. G. FOWLE, Esq., Judge Superior Court of Law.

SIR:—Your communication of the 4th inst. is received. By again reverting to my letter you will perceive that I made no complaint that any civil Court had made "unjust discrimination against the negro race in its adjudications." My statement was that under existing orders requiring certain white criminals to be tried by Military Commission and permitting certain colored criminals to be tried by civil Courts, the "result would be unjust discrimination, &c." since no U. S. Court can punish by whipping.

I said nothing about the comparative severity of different modes of punishment.

You say further that "if white men arrested by the Freedmen's Bureau and held for trial before Courts of Military Commission for larceny are not as severely punished as negroes before the Courts of Justice in North-Carolina, the injustice can be removed by yielding to our Courts the exclusive jurisdiction in all such cases."

I am happy to avail myself of the occasion which this remark furnishes to ask, in your opinion, the civil Courts can receive the testimony of colored witnesses against white men accused of larceny or other crimes. If by the recent legislation negroes are restored to common law rights, and no distinction will hereafter be made on account of race or color, the chief difficulty in the way of "yielding the exclusive jurisdiction" is in my judgment removed.

Very respectfully,  
E. WHITTLESEY,  
Ass't Commissioner.

RALEIGH, April 5th, 1866.

8 o'clock P. M.

COL. E. WHITTLESEY, Ass't Comm'r.

SIR:—Yours of this date was not received until half an hour ago, because of my attendance upon Court until that hour.

If your note of the 4th was not intended to institute a comparison as to the severity of different modes of punishment, and to charge that "unjust discrimination against the negro race will be the result," because, by the

laws of North-Carolina, "freedmen had been sentenced to be publicly whipped by our Courts," whereas "no U. S. Court can inflict the punishment of whipping," and that "white men charged with larceny and other crimes are for the most part reserved for trial by Military Commission," and therefore not whipped, then I misapprehended your meaning.

You have not been charged with saying that unjust discriminations against the negro race have been made "by the adjudications of our Courts." I have merely called your attention to the fact that no such discriminations have been made, and cited you to the proof. Unless such discrimination is made, there is no reason why our Courts, administered according to the rules of the Common Law, so far as negroes are concerned, permitting them to introduce every witness, white or black, who knows anything important for the defence, should be excluded from trying offences committed by negroes, because "under existing orders certain white criminals" are "to be tried by Military Commission."

As you disclaim intending to complain, "that any civil Court had made unjust discrimination against the negro race in its adjudications," and as it is your duty to see that justice is done the negro race, the inference is, that experience has satisfied you that there has been no such discrimination.

I deem it right and proper to state, that our people, whom I believe to be sincerely desirous of discharging faithfully their duties to the United States Government, and whose character for honesty and impartiality in